

From: [Yellin, Jonathan](#)
To: [Spahn, Brian](#)
Subject: Re: FTC v. Staples and Office Depot -- Subpoena on CRA
Date: Friday, February 26, 2016 2:55:24 PM

Brian- thank you for your note. Without waiving any of CRA's rights as set forth in its response to the Office Depot subpoena, I will reply as follows:

- I have authorized you to contact Staples directly to determine CRA's spend using the Staples portal. To date, it appears you have not sought such information;
- As I have repeatedly stated to you, we are thinly staffed in our administrative functions, and staff that I would need to discuss these requests with have been fully occupied in our year end close, earnings process (Call 2/18), assisting with a tender offer (announced last Monday) and preparing our fiscal year 10K. It is anticipated that the 10K will be filed sometime early next week and I will then catch up with these folks and see what information they can provide;
- As I stated, I have no idea of the actual man hours and difficulty it will take to gather the requested information and will provide you my understanding once I speak with them; and
- I will contact you following the filing of our K and after I speak with these folks so that I can have something comprehensive to report.

Thank you. Jonathan

Jonathan D. Yellin
Vice President and General Counsel
Charles River Associates
John Hancock Tower, T-9
200 Clarendon Street
Boston, MA 02116
Direct Dial (617) 425-3198
Cell (617) 792-9196
Fax (617) 425-3736
www.crai.com

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From: "Spahn, Brian" <BSpahn@gklaw.com>
Date: Thursday, February 25, 2016 at 5:17 PM
To: Jonathan Yellin <jyellin@crai.com>
Subject: RE: FTC v. Staples and Office Depot -- Subpoena on CRA

Jonathan,

During our call earlier today, you said that you would contact me on either the day or the day after CRA files its Form 10k with information gathered from your financial administrative staff as to the availability and timeline necessary to produce information responsive to our narrowed requests. As you know, those requests are as follows: (1) documents sufficient to show CRA's annual spend on Relevant Products (as defined in the subpoena) for years 2012 through 2015, and the breakdown of that spend by location and supplier (e.g., Staples, Office Depot, WB Mason, Amazon, HiTouch (aka MyOfficeProducts), etc.); and (2) documents related to CRA's most recent RFP process (i.e., the RFP, responses to the RFP, and any internal analyses of the responses). On our call, you anticipated that CRA's Form 10k would most likely be filed next Monday or Tuesday, February 29 or March 1.

Can you please confirm the accuracy of my understanding of our discussion.

Thank you,

Brian Spahn

Brian Spahn
Attorney

780 North Water Street
Milwaukee, Wisconsin 53202-3590
TEL • 414.273.3500
DIR • 414.287.9314
FAX • 414.273.5198
EMAIL • bspahn@gklaw.com
WWW • GKLAW.COM

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Please consider the environment before printing this e-mail

From: Yellin, Jonathan [<mailto:jYellin@crai.com>]
Sent: Wednesday, February 24, 2016 2:05 PM
To: Spahn, Brian
Subject: Re: FTC v. Staples and Office Depot -- Subpoena on CRA

Happy to talk about this — how about tomorrow at 230 pm, Did you get the info from Staples yet?

Jonathan D. Yellin
Vice President and General Counsel
Charles River Associates
John Hancock Tower, T-9
200 Clarendon Street
Boston, MA 02116
Direct Dial (617) 425-3198
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Fax (617) 425-3736
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From: "Spahn, Brian" <BSpahn@gklaw.com>
Date: Wednesday, February 24, 2016 at 3:02 PM
To: Jonathan Yellin <jyellin@crai.com>
Subject: RE: FTC v. Staples and Office Depot -- Subpoena on CRA

Jonathan,

I did receive your email last night and based on your statement that it would be another "week or so" before you can get input on my previous inquiries, Office Depot intends to move forward with a motion to compel. I have done my best to be reasonable in both narrowing the scope of the subpoena and extending the time by which CRA might produce information. Without a commitment by CRA that it will produce information responsive to the narrowed categories we have previously discussed by a date certain, Office Depot has no choice but to move forward with its motion.

Office Depot will not file its motion, however, if CRA can commit to producing by no later than March 4, 2016 the following: (1) documents sufficient to show its annual spend on Relevant Products (as defined in the subpoena) for years 2012 through 2015, and the breakdown of that spend by location and supplier (e.g., Staples, Office Depot, WB Mason, Amazon, HiTouch (aka MyOfficeProducts), etc.); and (2) documents related to CRA's most recent RFP process (i.e., the RFP, responses to the RFP, and any internal analyses of the responses).

I would be happy to discuss this with you today or tomorrow. In any event, we need to know no later than 5:00 pm Eastern tomorrow whether CRA will produce the documents I've indicated above according to the schedule we have requested.

Thank you.

Brian Spahn
Attorney


780 North Water Street
Milwaukee, Wisconsin 53202-3590
TEL • 414.273.3500
DIR • 414.287.9314
FAX • 414.273.5198
EMAIL • bspahn@gklaw.com
WWW • GKLAW.COM

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Please consider the environment before printing this e-mail

From: Yellin, Jonathan [<mailto:JYellin@crai.com>]
Sent: Wednesday, February 24, 2016 12:28 PM
To: Spahn, Brian
Subject: Re: FTC v. Staples and Office Depot -- Subpoena on CRA

Please confirm you received my reply of last night and advise on how you would like to confer, subject to reservation of all parties rights. Regards, Jonathan

Jonathan D. Yellin
Vice President and General Counsel
Charles River Associates
John Hancock Tower, T-9
200 Clarendon Street
Boston, MA 02116
Direct Dial (617) 425-3198
Cell (617) 792-9196
Fax (617) 425-3736
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From: "Spahn, Brian" <BSpahn@gklaw.com>
Date: Tuesday, February 23, 2016 at 5:42 PM
To: Jonathan Yellin <jyellin@crai.com>
Subject: RE: FTC v. Staples and Office Depot -- Subpoena on CRA

Jonathan,

Given your lack of response to my last two emails, along with CRA's refusal to produce documents responsive to the subpoena Office Depot served on CRA on February 4, 2016, Office Depot intends to move to compel discovery from CRA. Please consider this email Office Depot's attempt to meet and confer regarding its Motion to Compel. Unless I hear otherwise by 5pmEST tomorrow, I will assume CRA will oppose the motion.

Thank you,

Brian Spahn

Brian Spahn
Attorney


780 North Water Street
Milwaukee, Wisconsin 53202-3590
TEL • 414.273.3500
DIR • 414.287.9314
FAX • 414.273.5198
EMAIL • bspahn@gklaw.com
WWW • GKLAW.COM

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Please consider the environment before printing this e-mail

From: Spahn, Brian
Sent: Tuesday, February 23, 2016 10:30 AM
To: Yellin, Jonathan
Subject: RE: FTC v. Staples and Office Depot -- Subpoena on CRA

Jonathan,

Please let me know if there is a time this afternoon that you're available to discuss the status of your inquiries that we have previously discussed.

Thank you.

Brian Spahn
Attorney



780 North Water Street
Milwaukee, Wisconsin 53202-3590
TEL • 414.273.3500
DIR • 414.287.9314
FAX • 414.273.5198
EMAIL • bspahn@gklaw.com
www • GKLAW.COM

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Please consider the environment before printing this e-mail

From: Spahn, Brian
Sent: Thursday, February 18, 2016 4:21 PM
To: Yellin, Jonathan
Subject: Re: FTC v. Staples and Office Depot -- Subpoena on CRA

Jonathan,

Thank you for your note. Likewise, Office Depot reserves all of its rights with respect to this matter. Accordingly, so that Office Depot can evaluate whether it needs to move to compel, please let me know a date certain (no later than COB Tuesday, February 21) by which you'll be in a position to inform me whether CRA will be making a document production and/or will be willing to sign a declaration in lieu of a production.

Thank you,

Brian

On Feb 18, 2016, at 2:39 PM, Yellin, Jonathan <JYellin@crai.com> wrote:

Brian- thanks. We had our call today but we are now dealing with typical post call work. In terms of next steps, I just want to be clear that CRA has not agreed to provide anything as set forth in its objection. As a courtesy, I will inquire of your issues, but that is with a full reservation of rights. Thanks

Jonathan D. Yellin
Vice President and General Counsel
Charles River Associates
John Hancock Tower, T-9
200 Clarendon Street
Boston, MA 02116
Direct Dial (617) 425-3198
Cell (617) 792-9196
Fax (617) 425-3736
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From: "Spahn, Brian" <BSpahn@gklaw.com>
Date: Thursday, February 18, 2016 at 12:17 PM
To: Jonathan Yellin <jyellin@crai.com>
Subject: RE: FTC v. Staples and Office Depot -- Subpoena on CRA

Jonathan,

In follow-up to our Tuesday call, please let me know if you're available to check-in this afternoon regarding the issues we discussed. In the alternative to a call, please let me know a date in which you anticipate getting information from your financial administrative staff regarding CRA's annual office product spend; the amount and/or percentage of off-contract spend; and information related to CRA's RFP process. Again, I understand that CRA has its earnings call tomorrow.

Thank you.

Brian Spahn
Attorney


780 North Water Street
Milwaukee, Wisconsin 53202-3590

TEL • 414.273.3500
DIR • 414.287.9314
FAX • 414.273.5198
EMAIL • bspahn@gklaw.com
www • GKLAW.COM

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From: Yellin, Jonathan [<mailto:JYellin@crai.com>]
Sent: Tuesday, February 16, 2016 1:41 PM
To: Spahn, Brian
Subject: Re: FTC v. Staples and Office Depot -- Subpoena on CRA

Brian- please find CRA's response to the subpoena. Happy to discuss at 330, but may need to push a bit later based on current timing issue. I will let you know. Regards, Jonathan

Jonathan D. Yellin
Vice President and General Counsel
Charles River Associates
John Hancock Tower, T-9
200 Clarendon Street
Boston, MA 02116
Direct Dial (617) 425-3198
Cell (617) 792-9196
Fax (617) 425-3736
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From: "Spahn, Brian" <BSpahn@gklaw.com>
Date: Tuesday, February 16, 2016 at 11:57 AM
To: Jonathan Yellin <jyellin@crai.com>
Subject: RE: FTC v. Staples and Office Depot -- Subpoena on CRA

Jonathan,

Please let me know if there is a time this afternoon that you're available to follow-up on the items we discussed last Friday. Thank you.

Brian Spahn
Attorney


780 North Water Street
Milwaukee, Wisconsin 53202-3590
TEL • 414.273.3500
DIR • 414.287.9314
FAX • 414.273.5198
EMAIL • bspahn@gklaw.com
WWW • GKLAW.COM

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From: "Spahn, Brian"
Sent: Wednesday, February 10, 2016 9:13 AM
To: 'Yellin, Jonathan'
Subject: RE: FTC v. Staples and Office Depot -- Subpoena on CRA

Jonathan – Please let me know if you're available for 20 minutes today. Given that the subpoena was served on February 4 and has a 10-day return date, I'm concerned about waiting until Friday. While I certainly wish to respect your schedule if you cannot discuss this until Friday, I look forward to having a productive discussion at that time about CRA's response.

Please let me know.

Brian Spahn
Attorney


780 North Water Street
Milwaukee, Wisconsin 53202-3590
TEL • 414.273.3500
DIR • 414.287.9314
FAX • 414.273.5198
EMAIL • bspahn@gklaw.com

www • GKLAW.COM

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From: Spahn, Brian
Sent: Tuesday, February 09, 2016 3:59 PM
To: 'Yellin, Jonathan'
Subject: RE: FTC v. Staples and Office Depot -- Subpoena on CRA

Thanks, Jonathan. While I can make Friday work if that's the soonest you're available, is there any time that would work for you tomorrow? I do not anticipate our conversation taking any longer than 20-25 minutes.

Thank you.

Brian Spahn
Attorney


780 North Water Street
Milwaukee, Wisconsin 53202-3590
TEL • 414.273.3500
DIR • 414.287.9314
FAX • 414.273.5198
EMAIL • bspahn@gklaw.com
www • GKLAW.COM

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From: Yellin, Jonathan [<mailto:JYellin@crai.com>]
Sent: Tuesday, February 09, 2016 3:48 PM
To: Spahn, Brian
Subject: Re: FTC v. Staples and Office Depot -- Subpoena on CRA

Brain- this has been a very busy week. How does your Friday look.
Jonathan

Jonathan D. Yellin
Vice President and General Counsel
Charles River Associates
John Hancock Tower, T-9
200 Clarendon Street
Boston, MA 02116
Direct Dial (617) 425-3198
Cell (617) 792-9196
Fax (617) 425-3736
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From: "Spahn, Brian" <BSpahn@gklaw.com>
Date: Tuesday, February 9, 2016 at 12:42 PM
To: "jyellin@crai.com" <jyellin@crai.com'>
Subject: RE: FTC v. Staples and Office Depot -- Subpoena on CRA

Mr. Yellin,

Please let me know if you are available today or tomorrow to discuss the subpoena that has been served on CRA. In the alternative, if there is someone else I should contact to discuss this matter, please let me know.

Thank you.

Brian Spahn

Brian Spahn
Attorney



780 North Water Street
Milwaukee, Wisconsin 53202-3590
TEL • 414.273.3500
DIR • 414.287.9314
FAX • 414.273.5198
EMAIL • bspahn@gklaw.com
WWW • GKLAW.COM

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From: "Spahn, Brian"
Sent: Friday, February 05, 2016 1:13 PM
To: 'jyellin@crai.com'
Subject: RE: FTC v. Staples and Office Depot -- Subpoena on CRA

Mr. Yellin,

I am following-up on my email from yesterday. My understanding is that CRA has now been served with the subpoena I sent to you yesterday. Please let me know when you have time to discuss.

Thank you,

Brian

Brian Spahn
Attorney

 780 North Water Street
Milwaukee, Wisconsin 53202-3590
TEL • 414.273.3500
DIR • 414.287.9314
FAX • 414.273.5198
EMAIL • bspahn@gklaw.com
WWW • GKLAW.COM

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From: "Spahn, Brian"
Sent: Thursday, February 04, 2016 9:51 AM
To: 'jyellin@crai.com'
Subject: FTC v. Staples and Office Depot -- Subpoena on CRA

Mr. Yellin,

It is my understanding that you are General Counsel for CRA. I am co-counsel for Office Depot in connection with the proceedings brought against Office Depot and Staples by the Federal Trade Commission, and currently pending in federal district court in the District of Columbia.

I'm reaching out to you as a courtesy to inform you that the attached subpoena has been served, or soon will be, on the registered agent for CRA. My hope is that we can discuss a response to the subpoena that accommodates CRA while taking into account the exigencies of the litigation.

Can you please let me know when you might have time to discuss?

Best regards,

Brian Spahn

Brian Spahn
Attorney

■
780 North Water Street
Milwaukee, Wisconsin 53202-3590
TEL • 414.273.3500
DIR • 414.287.9314
FAX • 414.273.5198
EMAIL • bspahn@gklaw.com
WWW • GKLAW.COM

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